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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,012	03/16/2004	Tim Smith	35478-94879	2835

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 07/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/802,012	Applicant(s) SMITH, TIM	
	Examiner Ruth C. Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>3/16/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The information disclosure statement filed on 16 March 2004 has been considered for this Office Action.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 23-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Hood (US 6,668,433 B1).

A method of inhibiting release of a seatbelt that includes a lock (32), a connector (33) and a release (34) wherein the connector is releasably inserted into the lock and the release engages and disengages the connector to the lock (C. 2, L. 52-67 and Fig.

- 2). The method comprises: a) positioning an inhibitor (10) near the lock (C. 3, L. 1-2); b) spacing flanges of the inhibitor free from contacting each other (C. 3, L. 3-31); c)

inserting portion of the lock between the flanges (C. 3, L. 3-31); and d) rotating the flanges to overlap portions of the lock to engage the lock (C. 3, L. 3-31).

The method further comprises extending the top over the release (Fig. 2).

The method further comprises extending the top free from contacting the connector (Fig. 2).

The method further comprises rotating the flanges to release the lock (C. 3, L. 20-31).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morris et al. (US 4,502,194) in view of Hood.

Morris discloses an inhibitor (30) that is used with a seat belt (10,20) that includes a lock (11), connector (21) and release (13). The inhibitor comprises a cover (31) having a pair of opposing sidewalls extending perpendicular from the cover (Figs. 1-4). A top (33) extends perpendicular from the cover to partially overlap the opposing sidewalls. A bottom extends parallel to the top (Figs. 1-4). The inhibitor is sized and shaped to be removably and tightly engaged with the lock (Figs. 2 and 4). Morris fails to

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disclose that the inhibitor has a pair of flanges extending perpendicular from the sidewalls towards each other in a spaced relation from the cover, sidewalls and top. However, Hood teaches an inhibitor (10) having a top (20) having a pair of opposing sidewall (12,15) extending perpendicular to the top and the top partially overlaps the opposing sidewalls. A pair of flanges (22,23) extends perpendicular from the sidewalls towards each other in a spaced relation from sidewalls and top. The flanges are sized and shaped to be removably and tightly engaged with the lock (Fig. 2 and 3). The flanges allow easy snap on placement and removal of the inhibitor over the lock (C. 3, L. 20-31). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the pair of flanges extending perpendicular to the sidewalls towards each other in a spaced relation from sidewalls and top to be removably and tightly engaged with the lock in accordance with the teaching of Hood in the inhibitor of Morris where the flanges will also be spaced from the cover in order to be capable of being placed and removed from the lock easily by snapping on. Doing so, allows easy snap on placement and removal of the inhibitor over the lock especially in case of an emergency since the flanges allow quick removal of the inhibitor from the lock.

Morris also discloses that:

- The inhibitor further comprises an aperture (34) positioned through the top.
- The aperture is a slot (34).

- The top extends to overlap the release to prevent access to the release (Fig. 2 and 3).

- The top extends over the release (Figs. 2 and 3).
- The top is positioned free from contacting the connector (Figs. 1-4).

Hood also teaches that:

- The inhibitor further comprises a tab (38) positioned on the inhibitor to slidably connect the inhibitor with the seat belt (Figs. 1-3 and 5). The tab serves to facilitate the quick removal of the inhibitor from the lock (C. 3, L. 20-22).

- The flanges partially overlap portions of the lock (C. 3, L. 5 and 6 and Figs. 1-3).

It would have been obvious to one having ordinary skill in the art at the time of applicant's invention that the cover, sidewalls, top and flanges are integrally formed when combining the flanges taught by Hood with the inhibitor taught by Morris.

A pair of flanges extends perpendicular from the sidewalls towards each other in a spaced relation. The flanges partially overlap portion of the lock while the cover, sidewalls, top and flanges are sized and shaped to be removably and tightly engaged with the lock.

Morris discloses an inhibitor (30) that is used with a seat belt (10,20) that includes a lock (11), connector (21) and release (13). The inhibitor comprises a cover (31) having a pair of opposing sidewalls extending perpendicular from the cover and having an aperture (32) positioned through the cover (Figs. 1-4). A top (33) extends perpendicular from the cover to partially overlap the opposing sidewalls. A bottom

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extends parallel to the top (Figs. 1-4). The inhibitor is sized and shaped to be removably and tightly engaged with the lock (Figs. 2 and 4). Morris fails to disclose that the inhibitor has a pair of flanges extends perpendicular from the sidewalls towards each other in a spaced relation where the flanges partially overlap portion of the lock while the cover, sidewalls, top and flanges are sized and shaped to be removably and tightly engaged with the lock. However, Hood teaches an inhibitor (10) having a top (20) having a pair of opposing sidewall (12,15) extending perpendicular to the top and the top partially overlaps the opposing sidewalls. A pair of flanges (22,23) extends perpendicular from the sidewalls towards each other in a spaced relation. The flanges partially overlap portion of the lock while the cover, sidewalls, top and flanges are sized and shaped to be removably and tightly engaged with the lock (Fig. 2 and 3). The flanges allow easy snap on placement and removal of the inhibitor over the lock (C. 3, L. 20-31). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the pair of flanges extending perpendicular to the sidewalls towards each other in a spaced relation from sidewalls and top to be removably and tightly engaged with the lock in accordance with the teaching of Hood in the inhibitor of Morris where the flanges will also be spaced from the cover in order to be capable of being placed and removed from the lock easily by snapping on. Doing so, allows easy snap on placement and removal of the inhibitor over the lock especially in case of an emergency since the flanges allow quick removal of the inhibitor from the lock.

Morris also discloses that:

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- The top abuts the connector (Figs. 1-4).
- The top extends toward the flanges (Figs. 1-4).
- The top is positioned free from contacting the connector (Figs. 1-4).

Hood also teaches that the flanges are positioned free from contacting each other.

An inhibitor (30) is used with a seat belt (10,20) that includes a lock (11) and a connector (21) that are fastened to seat belt portion. The connector is insertable into the lock wherein a release (13) on the lock engages and disengages the connector with the lock (Figs. 1-4). The inhibitor comprises a cover (31) having a pair of opposing sidewalls extending perpendicular from the cover (Figs. 1-4). A top (33) extends perpendicular from the cover to partially overlap the opposing sidewalls to prevent slippage between the top and the lock (Figs. 1-4). A bottom extends parallel to the top (Figs. 1-4). The inhibitor is sized and shaped to be removably and tightly engaged with the lock (Figs. 2 and 4). Morris fails to disclose that the inhibitor has a pair of flanges extending perpendicular from the sidewalls towards each other in a spaced relation from the cover, sidewalls and top. However, Hood teaches an inhibitor (10) having a top (20) having a pair of opposing sidewall (12,15) extending perpendicular to the top and the top partially overlaps the opposing sidewalls. A pair of flanges (22,23) extends perpendicular from the sidewalls towards each other in a spaced relation from sidewalls and top. The flanges are sized and shaped to prevent access to the release in an engaged position while allowing access between the lock and the connector in a disengaged position. (Fig. 2 and 3). The flanges allow easy snap on placement and



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removal of the inhibitor over the lock (C. 3, L. 20-31). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the pair of flanges extending perpendicular to the sidewalls towards each other in a spaced relation from sidewalls and top to be removably and tightly engaged with the lock and preventing access to the release in an engaged position while allowing access between the lock and the connector in a disengaged position in accordance with the teaching of Hood in the inhibitor of Morris where the flanges will also be spaced from the cover in order to be capable of being placed and removed from the lock easily by snapping on. Doing so, allows easy snap on placement and removal of the inhibitor over the lock especially in case of an emergency since the flanges allow quick removal of the inhibitor from the lock.

Morris also discloses that:

The inhibitor further comprises an aperture (34) that allows access to the release in the engaged position.

The aperture (34) is positioned through the top.

The top extends to overlap the release and prevent access to the release (Figs. 1-4).

Morris fails to disclose that the aperture is positioned through the cover.

However, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to have the aperture positioned through cover when the release is provided next to the cover instead of being provided next to the top as disclosed by

Morris. The aperture is provided to allow access to release and therefore it is obvious that the aperture should be located where the release is located.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lamb (US 3,484,908), Morris et al. (US 4,502,194), Orton (US 4,624,033), Bacchiocchi et al. (US D 358,246), Renzi, Sr. et al. (US 5,416,957), Gusting (US 5,617,617), Murray (US 6,023,821), Carnahan (US 6,463,637 B1), Hood (US 6,668,433 B1) and Meal (US 6,769,157 B1) are cited to show state of the art with respect to inhibitors having some of the features being claimed by the current application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such

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submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

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(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Ruth C. Rodriguez  
Patent Examiner  
Art Unit 3677

rcr  
July 11, 2005